



JPW 16/25 \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ulrich KLAR et al.

Serial No.: 09/913,163

Group Art Unit: 1625

Filed: December 7, 2001

Examiner: Binta M. Robinson

For: EPOTHILON DERIVATIVES, METHOD FOR THE PRODUCTION AND THE USE THEREOF AS PHARMACEUTICALS

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- ☐ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
  - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
  - ☐ before the mailing of a first substantive office action (including after filing of an RCE).
- ☒ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☒ a final rejection under 37 C.F.R. 1.113;
  - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
  - ☐ a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- ☒ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).

☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:

- ☐ a final action under 37 C.F.R. § 1.113;
- ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
- ☐ a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. \_\_\_\_\_, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☒ Copies of materials listed but not attached were cited in an international search report dated October 26, 2000.
- ☒ Copies of the materials listed are attached (except for the foregoing).

### Non-English Language References

☒ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone

Y = document of particular relevance when it is combined with another such document

A = document defining the general state of the art

O = non-written disclosure

P = intercalated document

T = document cited to understand the theory or principle underlying the invention

E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date

D = cited in the application

L = cited for another reason

& = publication of member of same patent family

☐ Translation of other relevant information on foreign search report

[insert necessary translation here]

### Other Information

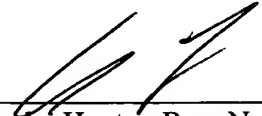
#### Payment of Fees Due (If Any):

☒ A check for \$180.00 covering the fee identified above is attached.

☐ Please charge to Deposit Account No. 13-3402 \$\_\_\_\_\_ for the fee identified above.

☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

  
\_\_\_\_\_  
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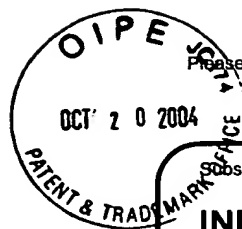
Attorney Docket No.: SCH-1814

Date: October 20, 2004

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 3

### Complete if Known

Application Number	09/913,163
Filing Date	December 7, 2001
First Named Inventor	Ulrich Klar
Group Art Unit	1625
Examiner Name	Binta M. Robinson
Attorney Docket Number	SCH-1814

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		W. CLARK STILL ET AL.: TETRAHEDRON LETTERS, Bd. 21, 1980, Seiten 1031-4, XP002095727	
		K. A. PARKER ET AL.: JOURNAL OF ORGANIC CHEMISTRY, Bd. 52, Nr. 19, 1987, Seiten 4369-77, XP002095726	
		K. TAMAO ET AL.: JOURNAL OF THE CHEMICAL SOCIETY, CHEMICAL COMMUNICATIONS, 1988, Seiten 795-7, XP002095725	
		D. SCHINZER ET AL.: CHEMISTRY - A EUROPEAN JOURNAL, Bd. 2, Nr. 11, 1996, Seiten 1477-82, XP002095724 in der Anmeldung erwahnt	
		K. C. NICOLAOU ET AL.: ANGEWANDTE CHEMIE, Bd. 109, Nr. 19, 1997, Seiten 2181-7, XP002095723 in der Anmeldung erwahnt	
		K. C. NICOLAOU ET AL.: JOURNAL OF THE AMERICAN CHEMICAL SOCIETY, Bd. 119, Nr. 34, 1997, Seiten 7974-91, XP002095719 in der Anmeldung erwahnt	
		Ca Reference 132:293587, "The Olefin Metathesis Approach to Epothilone A and its Analogs", Nicolau et al., page 674, Vol. 132, No. 22, Year 2000	
		Nicolau et al., "Total Synthesis of Oxazole-and Cyclopropane-Containing Epothilone B Analogues by the Macrolactonization Approach", pages 1971-1986, Chem. Eur. J., Vol. 3, No. 12, 1997	
		U.S. Serial No. 09/485,292	
		U.S. Serial No. 09/979,939	
		ZHEN YANG ET AL.: ANGEWANDTE CHEMIE, Bd. 109, Nr. 1/2, 1997, Seiten 170-2, XP002095722 in der Anmeldung erwahnt	
		K. C. NICOLAOU ET AL.: NATURE, Bd. 387, Nr. 6630, 15. Mai 1997, Seiten 268-72, XP002095721 in der Anmeldung erwahnt	
		D. SCHINZER ET AL.: ANGEWANDTE CHEMIE, Bd. 109, Nr. 5, 1997, Seiten 543-4, XP002095720 in der Anmeldung erwahnt	
		K. C. NICOLAOU: JOURNAL OF THE AMERICAN CHEMICAL SOCIETY, Bd. 119, Nr. 34, 1997, Seiten 7960-73, XP002064442 in der Anmeldung erwahnt	

Examiner Signature	Date Considered
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\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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